

31A-33-107. Duties of board -- Creation of subsidiaries -- Entering into joint enterprises.

- (1) The board shall:
 - (a) appoint a chief executive officer to administer the Workers' Compensation Fund;
 - (b) receive and act upon financial, management, and actuarial reports covering the operations of the Workers' Compensation Fund;
 - (c) ensure that the Workers' Compensation Fund is administered according to law;
 - (d) examine and approve an annual operating budget for the Workers' Compensation Fund;
 - (e) serve as investment trustees and fiduciaries of the Injury Fund;
 - (f) receive and act upon recommendations of the chief executive officer;
 - (g) develop broad policy for the long-term operation of the Workers' Compensation Fund, consistent with its mission and fiduciary responsibility;
 - (h) subject to Chapter 19a, Part 4, Workers' Compensation Rates, approve any rating plans that would modify a policyholder's premium;
 - (i) subject to Chapter 19a, Part 4, Workers' Compensation Rates, approve the amount of deviation, if any, from standard insurance rates;
 - (j) approve the amount of the dividends, if any, to be returned to policyholders;
 - (k) adopt a procurement policy consistent with the provisions of Title 63G, Chapter 6a, Utah Procurement Code;
 - (l) develop and publish an annual report to policyholders, the governor, the Legislature, and interested parties that describes the financial condition of the Injury Fund, including a statement of expenses and income and what measures were taken or will be necessary to keep the Injury Fund actuarially sound;
 - (m) establish a fiscal year;
 - (n) determine and establish an actuarially sound price for insurance offered by the fund;
 - (o) establish conflict of interest requirements that govern the board, officers, and employees;
 - (p) establish compensation and reasonable expenses to be paid to directors on the board subject to the requirements of Section 31A-33-106, so that the board may not approve compensation that exceeds the amount described in Subsection 31A-33-106(18)(a)(i)(B); and
 - (q) perform all other acts necessary for the policymaking and oversight of the Workers' Compensation Fund.
- (2) Subject to board review and its responsibilities under Subsection (1)(e), the board may delegate authority to make daily investment decisions.
- (3) The fund may form or acquire a subsidiary or enter into a joint enterprise:
 - (a) only if that action is approved by the board; and
 - (b) subject to the limitations in Section 31A-33-103.5.

Amended by Chapter 347, 2012 General Session